THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20559 of 2007

Date:12-10-2007

Between:

Chintapalli Satyam and another

...Petitioners

AND

The Government of A.P. rep. By its Secretary, Revenue Department, Hyderabad and seven others

.. Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the impugned action of the respondents in encroaching into their property by undertaking preliminary works connected with the proposed road formation on the eastern side field bund forming part of private land in Sy.No.94/3 of Santhimoola village hamlet of Patavala belonging to the petitioners without any notification, payment of any compensation and initiating any action under the provisions of the Land Acquisition Act and not considering their representation dated 18.09.2007, as illegal and arbitrary and consequently direct the respondents not to proceed with the work of the proposed road formation on the eastern side field bund and irrigation drainage forming part of private land of an extent of Ac.5.48 cents in the said survey number belonging to the petitioners.

It is the case of the petitioners that they own agricultural land admeasuring Ac.05.48 cents in Sy.No.94/3 of Santhimoola village hamlet of Patavala and the respondents are taking steps to lay a road from the private lands of the petitioners.

On instructions, the learned Government Pleader appearing for the respondents submits that there is no administrative sanction from the District Collector to lay a road.

Having regard to the facts of the case, the respondents are directed not to encroach upon the land of the petitioners

without following due process of law. However, if the land of the petitioners is required for formation of the road by the respondents, it is always open for them to acquire the same by initiating appropriate land acquisition proceedings.

With the aforesaid observations, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:12.10.2007
ccm